

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

TERRY R. COCHRANE,

Plaintiff,

Case No. 2:20-cv-00208-GMN-BNW

v.

ORDER

NEVADA DEPARTMENT, et al.,

Defendants.

This action began with a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. On December 15, 2020, this Court issued an order directing Plaintiff to file with the court a written notification of his new mailing address, email address, telephone number, or facsimile number, on or before January 14, 2021. (ECF No. 33.) The time for compliance with this order has now expired, and Plaintiff has not filed the required information or otherwise responded to the Court's order.

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833

1 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson*  
 2 v. *Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and  
 3 failure to comply with local rules).

4 In determining whether to dismiss an action for lack of prosecution, failure to obey  
 5 a court order, or failure to comply with local rules, the court must consider several factors:  
 6 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to  
 7 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring  
 8 disposition of cases on their merits; and (5) the availability of less drastic alternatives.  
 9 *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130;  
 10 *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

11 In the instant case, the Court finds that the first two factors, the public's interest in  
 12 expeditiously resolving this litigation and the Court's interest in managing the docket,  
 13 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs  
 14 in favor of dismissal, since a presumption of injury arises from the occurrence of  
 15 unreasonable delay in filing a pleading ordered by the court or prosecuting an action. See  
 16 *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy  
 17 favoring disposition of cases on their merits – is greatly outweighed by the factors in favor  
 18 of dismissal discussed herein. Finally, a court's warning to a party that his failure to obey  
 19 the court's order will result in dismissal satisfies the "consideration of alternatives"  
 20 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779  
 21 F.2d at 1424. The Court's December 15, 2020 order explicitly warned Plaintiff that his  
 22 failure to timely comply with the order might result in dismissal of his action. (ECF No.  
 23 33.) Thus, Plaintiff had adequate warning that dismissal would result from his  
 24 noncompliance with the Court's order.

25 It is therefore ordered that this action is dismissed with prejudice based on  
 26 Plaintiff's failure to comply with this Court's December 15, 2020 order.

27 It is further ordered that the Inmate Early Mediation Conference set for January 29,  
 28 2021 is vacated.

It is further ordered that the Clerk of Court shall enter judgment accordingly and close this case. No further documents shall be filed in this closed case.

DATED THIS<sup>20</sup> day of January 2021.



**Dennis J. Neira**

UNITED STATES DISTRICT JUDGE